

SMITH | VILLAZOR

Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, NY 10019
www.smithvillazor.com

RODNEY VILLAZOR

T 212 582 4400

D 212 377 0852

rodney.villazor@smithvillazor.com

March 10, 2021

VIA ECF

Honorable Michael A. Hammer
United States District Court for the
District of New Jersey
Martin Luther King Courthouse
50 Walnut Street Room 2C
Newark, NJ 07101

**Re: *United States v. Matthew Goettsche, et al.*, 19-CR-877 (CCC)
Proposed Modification of Pretrial Release Order**

Dear Judge Hammer:

Please accept this letter in lieu of a more formal motion on behalf of Defendant Matthew Goettsche. We respectfully move to modify the Order Setting Conditions of Release (dkt. 171) ("Release Order") to allow Mr. Goettsche to go to the Denver office of Ridley, McGreevy & Winocur, P.C. (the "Denver Office") at time periods preapproved by Pretrial Services to review discovery and work product and conduct video conferences with defense counsel.

As set forth in the Release Order, Mr. Goettsche is presently on lock-down at his residence under home incarceration except for medical necessities, court appearances, or other activities specifically approved by the court. In addition, Mr. Goettsche must remain in the presence of a third-party custodian at all times, unless otherwise approved by Pretrial Services, and he is prohibited from internet access and the possession and/or use of computers unless in the presence of counsel.

The proposed modifications to the Release Order are as follows:

- Mr. Goettsche shall be permitted to travel to the Denver Office for specific days and periods of time as preapproved by Pretrial Services;
- One of the third-party custodians shall escort Mr. Goettsche to and from his residence and the Denver Office but is permitted to leave Mr. Goettsche at the Denver Office under the direct supervision of attorneys and staff of Ridley, McGreevy & Winocur P.C.;
- Mr. Goettsche shall not otherwise be permitted to leave the Denver Office;

Hon. Michael A. Hammer
March 10, 2021
Page Two

- The third-party custodian escorting Mr. Goettsche between his residence and the Denver Office will advise Pretrial Services of Mr. Goettsche's departures and arrivals;
- While in the presence and supervision of attorneys or staff, Mr. Goettsche is permitted to utilize two computers: (1) a computer with internet capabilities but no Microsoft Office program ("PC 1") and (2) a custom-built computer with no internet capabilities but with discovery, Microsoft Office programs and attorney work product stored on the hard drive ("PC 2");
- Mr. Goettsche may use PC 1 solely to access discovery hosted by defense counsel on Relativity, an internet-based discovery review platform, and to communicate via Zoom with defense counsel;
- Defense counsel will create an email address for Mr. Goettsche for the sole purpose of logging into Relativity or Zoom. Defense counsel will not disclose the password to this email address to Mr. Goettsche, and Mr. Goettsche shall not use this email address for any other reason than to log into Relativity or Zoom;
- Mr. Goettsche may use PC 2 to (1) review discovery and work product stored on the hard drive; and (2) utilize Microsoft Office to create attorney-client communications to defense counsel;
- Defense counsel and Mr. Goettsche may exchange work product on portable hard drives and PC 2, but the transfer of any portable hard drives or electronic storage medium must be between defense counsel and members of Ridley McGreevy & Winsocur, as opposed to Mr. Goettsche directly;
- Any such portable hard drive or electronic storage medium must remain under the control and supervision of attorneys or staff at all times, and Mr. Goettsche is not permitted to possess or use other portable hard drives or electronic storage that does not come from an attorney or staff member of Ridley McGreevy & Winocur, even if the intended use involves PC 1 or PC 2;
- Any member of Ridley McGreevy & Winocur who supervises Mr. Goettsche's access to PC 1 or PC 2 will first review and familiarize themselves with Mr. Goettsche's supervised release conditions, including the modifications set forth in this proposal, and will agree to supervise Mr. Goettsche to ensure that he is abiding by those conditions—including his prohibition of accessing the Internet other than for Zoom or Relativity—while he has access to PC 1 or PC 2; and
- Ridley McGreevy & Winocur agrees that it is obligated to report a violation of these proposed modified conditions, and all parties understand that a report from Ridley McGreevy & Winocur of an alleged violation does not constitute a waiver of attorney-client privilege.

Hon. Michael A. Hammer
March 10, 2021
Page Three

Pretrial Services has no objection to the proposed modifications. The government, through AUSA Jamie Hoxie, consents to our request. Thank you in advance.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'R. Villazor', is positioned above the printed name.

Rodney Villazor, Esq.
SMITH VILLAZOR LLP

cc: Andrew Lourie, Esq.
Benjamin Sauter, Esq.
Amanda Tuminelli, Esq.
Government counsel of record (via ECF and e-mail)
U.S. Pretrial Services Officer David Hernandez (via e-mail)
U.S. Pretrial Services Officer Troy Ruplinger (via e-mail)